

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-4158, SUB 0
DOCKET NO. SP-4159, SUB 0
DOCKET NO. SP-4160, SUB 0
DOCKET NO. SP-4161, SUB 0
DOCKET NO. SP-4171, SUB 1
DOCKET NO. SP-4177, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Requests for Waivers by WBJE Solar LLC,) ORDER GRANTING THIRD
Pridgen Solar Group LLC, Double R Solar) EXTENSION OF TIME, DENYING
LLC, Southside Solar LLC, GTOPI Merritt) CONSOLIDATION OF DOCKETS
LLC and 4-Lane Solar LLC) AND REQUIRING STATUS
) REPORTS

BY THE CHAIRMAN: On February 8, 2016, the Commission issued an Order Granting Second Extension of Time in the above-captioned dockets. The Order extended the date for WBJE Solar LLC, Pridgen Solar Group LLC, Double R Solar LLC, Southside Solar LLC and 4-Lane Solar LLC (collectively, Applicants) to file their affidavits of publication and certificates of service for six months, from March 11, 2016, to September 11, 2016.

On August 23, 2016, the Applicants and GTOPI Merritt LLC (Docket No. SP-4171, Sub 1) filed a request that these dockets be consolidated and that the Applicants be granted an extension of time, from September 11, 2016, to January 2018, for the Applicants to file their affidavits of publication and certificates of service. In support of their request, the Applicants state that they have proceeded with due diligence in their applications for certificates of public convenience and necessity (CPCNs), but that their projects have been delayed due to financial conditions and interconnection applications. With respect to their interconnection applications, Applicants state that recent filings by Duke Energy regarding transformer "stiffness" and grid stability have impacted the market conditions for investors in North Carolina.

Merritt Energy Park, Inc. is the development agent for the Applicants' facilities. The applications were all filed and have proceeded in the same manner and time frame. The following summary of the procedural course of WBJE Solar LLC's application in Docket No. SP-4158, Sub 0 is representative of the procedural course of the other five Applicants.

On July 23, 2014, WBJE Solar, Inc. (WBJE), filed an application in Docket No. SP-3975, Sub 0 seeking a CPCN pursuant to G.S. 62-110.1(a) for construction of a

4.99-MW solar photovoltaic electric generating facility to be located at 752 Georgia Pacific Road in Whiteville, Columbus County, North Carolina.

On August 4, 2014, WBJE filed a letter with the Commission requesting that the application for the CPCN be changed to the name of WBJE Solar LLC (Applicant). The letter further stated that WBJE no longer exists as a corporate entity.

On August 5, 2014, the Commission issued an Order Requiring Publication of Notice in Docket No. SP-3975, Sub 0 requiring the Applicant to publish a public notice of its application.

On August 14, 2014, the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration filed an email stating that the Clearinghouse expected to complete its review of the application by September 12, 2014.

On September 11, 2014, the Commission issued an Amended Order Requiring Publication of Notice that, among other things: (1) transferred the application and all other filings by WBJE from Docket No. SP-3975, Sub 0 to Docket No. SP-4158, Sub 0 in the name of the Applicant; (2) requested that the State Clearinghouse continue and complete its review in the name of the Applicant; (3) required the publication of a revised Public Notice in the name of the Applicant; (4) required the Applicant to file an affidavit of publication with the Commission; (5) required the Applicant to mail a copy of the application and Public Notice, no later than the first date that such Public Notice was published, to the electric utility to which the Applicant plans to sell and distribute the electricity; (6) required the Applicant to file a signed and verified certificate of service that the application and notice have been provided to the utility; and (7) closed Docket No. SP-3975, Sub 0. Further, the Order included the following statement:

The Commission cannot take any action until after the Applicant has filed both the affidavit of publication and the certificate of service. The Applicant is urged to file both the affidavit and the certificate promptly following the last date of publication of the notice.

Amended Order Requiring Publication of Notice, at 2 (emphasis in original).

On September 18, 2014, the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration filed final comments with the Commission stating that because of the nature of the comments no further review is needed by the Commission to determine the compliance of the Applicant's proposed project with the North Carolina Environmental Policy Act.

On February 27, 2015, the Applicants and four additional Merritt Energy Park facilities - Son Power LLC, Merritt Energy Partners LLC, 6 Acre Field LLC and GTOP Merritt Solar - filed requests for waivers from the requirement to obtain a legally enforceable obligation (LEO). In summary, the Applicants explained that they sought to become eligible for the avoided cost rates established in the Commission's February 21,

2014 Order Establishing Standard Rates and Contract Terms for Qualifying Facilities, In the Matter of Biennial Determination of Avoided Cost Rates for Electric Utility Purchases from Qualifying Facilities - 2012, Docket No. E-100, Sub 136.

After receiving comments on the request, the Commission issued an Order on June 12, 2015, denying the Applicants' request for a waiver of the LEO requirement.

On March 18, 2015, the Commission issued an Order Amending Rules in Docket No. E-100, Sub 134. The Order, among other things, amended Commission Rule R8-64(c)(2) to provide that the Commission will automatically dismiss CPCN applications, without prejudice to refile, if the applicant does not file the affidavit of publication and certificate of service within twelve months of the date of the Order Requiring Publication of Notice.

On August 28, 2015, the Applicants filed a request for a six-month extension of time, from September 11, 2015 to March 11, 2016, for the Applicants to file their affidavits of publication and certificates of service.

On September 2, 2015, the Commission issued an Order Granting Extensions of Time that extended the Applicants' date for filing their affidavits of publication and certificates of service to March 11, 2016. As previously noted, a similar Order was issued on February 8, 2016, extending the date for the Applicants to file their affidavits and certificates of publication for six months, from March 11, 2016, to September 11, 2016.

Based on the foregoing and the record, the Chairman is not persuaded that there is good cause to consolidate these dockets. The Applicants are seeking CPCNs for six separate projects. These separate projects require separate investigations and recommendations by the Public Staff. The projects are all located in Columbus County, so the Public Staff's investigations and recommendations might proceed together, but not necessarily. If the Public Staff's reviews do not proceed together, it would become administratively confusing to have all the projects in one docket. Therefore, the Chairman denies the Applicants' request for consolidation of these dockets.

However, the Chairman does find good cause to grant the third extension of time requested by the Applicants and GTOP Merritt LLC. Therefore, their date for filing affidavits of publication and certificates of service should be extended to January 3, 2018.

In addition, the Chairman finds good cause to require that the Applicants file status reports on or before March 13, 2017, and September 11, 2017. The status reports should update the Commission on the date(s) that the Applicants expect Duke Energy Progress, LLC (DEP) to approve the interconnection of each of the Applicants' projects to DEP's system, and the date(s) that the Applicants anticipate that they will begin publishing the Public Notice for each project.

IT IS, THEREFORE, ORDERED as follows:

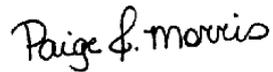
1. That the Applicants shall be, and are hereby, granted an extension of time until January 3, 2018, to file affidavits of publication and certificates of service pursuant to Commission Rule R8-64(c)(2); and

2. That the Applicants shall file status reports on or before March 13, 2017, and September 11, 2017. The status reports shall update the Commission on the date(s) that the Applicants expect DEP to approve the interconnection of each of the Applicants' projects to DEP's system, and the date(s) that the Applicants anticipate that they will begin publishing the Public Notice for each project.

ISSUED BY ORDER OF THE COMMISSION.

This the 8th day of September, 2016.

NORTH CAROLINA UTILITIES COMMISSION



Paige J. Morris, Deputy Clerk